

MILITARY SEALIFT COMMAND (23511-2419)  
NORFOLK VA  
UNITED STATES COAST GUARD (20593-7000)  
WASHINGTON DC

MSC  
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10 May 16

USCG  
5216  
Ser CG5PC/

MEMORANDUM OF AGREEMENT  
BETWEEN  
COMMANDER, MILITARY SEALIFT COMMAND  
AND  
U.S. COAST GUARD

Subj: MEMORANDUM OF AGREEMENT (MOA) BETWEEN COMSC and USCG

1. This MOA delineates the responsibilities of the United States Coast Guard and Commander, Military Sealift Command with regard to the inspection of Military Sealift Command (MSC) vessels, incident reporting and investigation, certain personnel matters as detailed herein, enrollment of MSC vessels in special regulatory programs, and the financial arrangements regarding USCG/MSC Liaison and Support Activities.

2. This MOA becomes effective upon the latest signature and date of the parties to the Agreement, and will remain in effect for nine years after the date of the latest signature, unless terminated earlier by either party upon expiration of 180 days after written notification of intent to terminate is given to the other party.

3. The Agreement shall be reviewed at least every two years from the date of signing and, if necessary, shall be amended as agreed to by the parties. Interim changes may be made to the MOA as agreed to by both parties.



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Rear Admiral, U.S. Navy  
Commander, Military  
Sealift Command



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## I. Purpose

a. This Memorandum of Agreement (MOA) sets forth, in general terms, the procedures to be followed by the Military Sealift Command (MSC) and the United States Coast Guard (USCG) regarding activities related to the inspection and certification of ships constructed and operated in accordance with regulations prescribed for commercial vessels in MSC's United States Naval Ship (USNS) fleet. With regard to USCG inspection and certification of ships, the guidance contained herein applies only to those MSC vessels owned or demise chartered by MSC except as noted in Annex II, paragraph 12. This is comprised of two groups, 1) vessels managed directly by MSC and manned with Civil Service Mariners (CIVMARs) referred to as Government Owned, Government Operated (GOGO) and 2) vessels owned by MSC but maintained and crewed for MSC through the contract service of a private sector ship management company, these vessels are known as Government Owned, Contractor Operated (GOCO). USCG "certificated-vessels" are those MSC vessels that have a Certificate of Inspection (COI) issued by the Coast Guard based on inspection by the USCG or a USCG authorized classification society acting under an alternative compliance program subject to USCG oversight. USCG certificated-vessels are comprised of both GOGO and GOCO vessels. With regard to inspections and certification, provisions of this MOA that relate to CIVMARs apply to GOGO vessels only.

b. This MOA also provides guidance with respect to credentialing, shipping and discharge of mariners, investigations of USCG credential holders, casualty investigations, and drug and alcohol testing of USCG credentialed mariners. The guidance related to these matters applies to all MSC USNS vessels, whether or not the vessel is inspected and/or certificated by the USCG. These particular sections also apply to all naval vessels (USS) that have MSC CIVMARs serving as crew members.

c. Nothing in this agreement is meant to alter the obligations of the parties responsible for vessels which are not owned or demise chartered by the government but that are under time charter or contract to MSC. These vessels must comply with applicable United States laws, regulations, ratified treaties, and conventions for the purpose of applying US domestic law.

d. Vessels of the US Maritime Administration and part of the Ready Reserve Force (RRF) may come under the operational control of MSC when those RRF ships are activated. However, guidance regarding the inspection and certification of RRF vessels is

contained in the Memorandum of Understanding between MARAD and the USCG.

e. Additional guidance and clarification for the agreement between MSC and USCG is contained in Annexes I, II, III and IV of this MOA:

Annex I: Special Programs

Annex II: Modification of Standards for USCG-Certificate MSC vessels

Annex III: Expeditionary Fast Transport (EPF) Type Rating Certificate

Annex IV: USCG/MSC Liaison Duties and Reimbursement for USCG Support Activities

## II. Background and Authority

a. In 1949, the Secretary of Defense established the Military Sea Transportation Service (now MSC) as the operating agency responsible for providing U.S. strategic sealift in support of national security objectives. MSC discharges its mission, in part, through the employment of Sealift Forces from two principal sources: U.S. Government-owned ships (prefixed by USNS) and chartered U.S. Merchant Marine ships (prefixed with the normal merchant MV, SS, or GTS). The MSC fleet is divided into seven programs: Fleet Oilers (PM1), Special Mission ships (PM2), Strategic Sealift (PM3), Service Support (PM4), Fleet Ordnance & Dry Cargo (PM6), Afloat Staging Command Support (PM7), and Expeditionary Fast Transport Class (PM8).

b. The inspection and certification of MSC USNS vessels has been a longstanding, major national defense support function of the USCG. MSC USNS vessels are "public vessels," as defined in Title 46, United States Code (USC), Section 2101. Accordingly, MSC USNS vessels are exempt from mandatory USCG inspection per Title 46, USC, Section 2109. Both MSC and the USCG agree, however, that USCG inspection of MSC USNS vessels should be continued, as a matter of policy, in order to ensure the safety of each vessel, as well as its crew and cargo.

c. The USCG enters this agreement under the authority of 14 U.S.C. § 93(a)(20).

III. COI. MSC's policy is to have each MSC USNS vessel which is built to commercial standards have a valid COI before it proceeds to sea. If MSC elects to remove a vessel from certificated status permanently then notice will be provided in writing by COMSC to the USCG Office of Commercial Vessel Compliance, Commandant (CG-CVC), with a copy to the Coast Guard Officer in Charge Marine Inspection (OCMI) that issued the COI. Removal from inspected status on a short term basis due to mission conflict with inspection regulations is strongly discouraged. This option will only be utilized when both COMSC and CG-CVC agree that the variation from commercial vessel regulations required for mission accomplishment is so significant that it cannot be reasonably accommodated using risk mitigation measures and/or national defense waivers of regulations as described in this MOA.

#### IV. Inspection Agreement

a. MSC desires that the USCG inspect and certificate designated MSC USNS vessels. Provided that the vessels substantially comply with commercial standards, the USCG agrees to inspect these MSC USNS vessels. The USCG will only certificate vessels that meet applicable regulations, except as otherwise allowed by this MOA. For vessels that do not comply in part with applicable regulations, COMSC may request that the USCG consider equivalent, alternative safety standards. MSC USNS vessels may also participate in special programs established by the USCG to provide alternate methods of demonstrating compliance with applicable regulations; these special programs are described in Annex I of this MOA. Upon mutual consent, other special programs may be added to Annex I.

b. Prior to USCG inspection of an MSC vessel, the vessel's master and chief engineer shall make the vessel's structure, boilers, pressure vessels, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, pollution prevention, and navigation equipment ready for inspection. During each MSC certificated vessel inspection, if requested by the USCG inspector, the vessel's master will assign personnel to assist in carrying out a safe and efficient inspection.

V. Applicable Regulations. Titles 33, 46, and 49 of the U.S. Code of Federal Regulations (CFR) contain the regulations that, pursuant to this MOA, will govern the inspection and certification of MSC certificated vessels. Variations in the way that these regulations may be applied to MSC certificated vessels



are outlined in Annex I, Special Programs, and Annex II, Modification of Standards for USCG Certificated MSC Vessels.

VI. National Defense Waivers. Within Titles 33 and 46 CFR, there is a mechanism for commercial vessels to apply for a waiver from applicable regulations in the interest of National Defense. As previously noted, MSC USNS vessels are legally exempt from the requirements of Coast Guard regulations, but comply as a voluntary matter under this MOA. Despite this, in order to promote a transparent and consistent approach to the waiver evaluation process defined for commercial vessels seeking a national defense waiver will be used for USNS vessels as well. Waivers for compliance with navigation and vessel inspection laws or regulations will be requested and evaluated pursuant to Title 33 CFR Part 19.06 or Title 46 CFR Part 6.06. Under these provisions, COMSC will consider the potential associated risks to the safety of personnel or environmental consequences versus the importance of the vessel's mission(s). These waivers are to be requested in the interest of National Defense only.

VII. Plan Approval. Per USCG rules and regulations, MSC shall obtain plan approval for the new construction, conversion, or alteration of any MSC certificated vessel prior to commencing work.

VIII. Repairs and Alterations. MSC shall give the cognizant USCG OCMi sufficient advance notice of repairs or alterations to MSC certificated vessels to facilitate the attendance of a Coast Guard inspector. For vessels to be inspected outside of the United States, 30 days advance notice of planned non-emergency work is normally required to facilitate scheduling, travel, and necessary clearances for the inspector. Exceptions may be granted by the OCMi on a case by case basis.

IX. Credentialing and Manning

a. All civilian crewmembers on MSC GOGO and GOCO vessels will hold a USCG merchant mariner credential (MMC). Credentialing for such personnel will be required as a condition of employment aboard all MSC vessels and the personnel are considered to be acting under the authority of their USCG issued credential. All U.S. laws and regulations applicable to credentialed mariners apply to these individuals.

Hybrid ships. MSC also operates a number of warships with hybrid crews comprised of military and civilian personnel, serving under the authority of a Commanding Officer who is responsible for the

vessel. The civilian mariners possess MMCs and they support the CO to the extent permissible for civilians, in matters such as navigation, deck department services, engineering, and food service.

b. The USCG will specify the minimum manning levels for MSC certificated vessels on each vessel's COI, which also serves as the safe manning document for voluntary compliance with the requirements of the Safety of Life at Sea Convention (SOLAS).

c. Non-credentialed civilian technical support personnel or other specialized workers may be employed onboard for short periods of time as persons in addition to the crew within the limitations prescribed by law and regulation.

d. The Coast Guard will accept MSC Medical Examination forms (DD Forms 2807 and 2808) in lieu of a CG-719K or CG-719K/E Medical Evaluation Report for purposes of Merchant Mariner Credential applications and renewal of medical certificates. The Coast Guard may reconsider the acceptance of these forms in lieu of the CG-719 K or K/E if the DD 2807 or 2808 are revised after the signing of this MOA, or if statutory requirements are changed.

e. USCG-approved merchant mariner training outside the United States. Many MSC vessels are forward deployed and important training for the crew members assigned to those ships may in some cases be best accomplished on board those vessels. USCG-approved training on board vessels that are already site approved for a course or program may be conducted world-wide, so long as the respective OCMI is informed of the class beforehand and is permitted to audit the course if desired.

X. Shipment and Discharge. The shipment and discharge of crewmembers on all MSC vessels, except for embarked CIVMARs and military personnel, will be pursuant to the laws and regulations applicable to commercial vessels of the United States and with the requirements of international conventions to which the US is signatory.

#### XI. Marine Casualties and Investigations

a. Consistent with Title 46, CFR, Subpart 4.05, masters of all MSC vessels will immediately report marine casualties to the USCG and will submit a Report of Marine Accident, Injury, or Death (Form CG-2692) within 5 days of any reportable marine casualty. MSC Headquarters will send the casualty report to the USCG for USS vessels that have a military Commanding Officer with

MSC civilian crewmembers.

b. The USCG will investigate all reportable marine casualties onboard USNS vessels to determine the causal factors and if there is evidence of any act of misconduct, inattention to duty, negligence, or willful violations of law that may have contributed to the casualty. The conduct of the USCG marine casualty investigation will be UNCLAS to the maximum extent possible and the casualty report will be UNCLAS. However, due consideration will be given to maintaining the security of ongoing military operations (OPSEC), e.g. vessel position information. Further, the USCG recognizes that Naval missions may require MSC vessels to engage in inherently dangerous operations in sometimes marginal weather conditions, to rig deceptive lighting or engage in other deceptive practices, to extinguish navigational lights, to secure navigational equipment such as radars, and to turn off other electronic equipment such as marine radios or the ship's Automated Identification System and Long Range Identification and Tracking (LRIT). The USCG, as soon as practical, shall notify the USCG/MSC Liaison Officer of any visit to an MSC vessel by a USCG investigating officer for the purpose of conducting a casualty investigation. The USCG/MSC Liaison Officer shall ensure that appropriate MSC program personnel are aware of the investigation. If there is a separate investigation being conducted by the U.S. Navy (including MSC), the USCG shall not interfere with any concurrent Navy investigation. Both the USCG and U.S. Navy agree to cooperate and share information as applicable in relation the incident, both investigators should consult their agency legal representatives for guidance.

XII. Personnel Action. The USCG has the authority to investigate matters pertaining to the conduct of any person who is issued a credential by the USCG, and who is or was employed aboard a ship operated by MSC. Moreover, the USCG may take administrative action as described under the authority of Title 46, CFR, Part 5 against a USCG issued credential held by any CIVMAR or contract crewmember assigned to an MSC vessel. The USCG will consider extenuating or mitigating factors unique to the operation of MSC vessels, such as compliance with military orders or any of the actions described in section XI of this MOA, as may be presented by a mariner, a mariner's representative, or MSC, prior to taking any administrative action against a mariner.

### XIII. Drug and Alcohol Testing

a. Acceptance of DoD Drug Testing Program. The Coast Guard accepts the Department of the Navy/Military Sealift Command drug and alcohol testing program as an equivalency to 46 CFR Part 4. For GOGO ships only, CHRM 792.3 and CMPI 792 identifies what circumstances require drug and alcohol testing and those requirements that shall be followed for post casualty testing. For GOCO ships, 46 CFR Part 4 applies for identifying serious marine incidents and the subsequent drug and alcohol testing requirements.

b. Drug and Alcohol Testing Documentation. An MSC CIVMAR will be considered compliant with USCG drug and alcohol testing documentation requirements if an official MSC letter is provided to the USCG as needed, attesting that the mariner has been subject to a satisfactory random drug alcohol testing program for at least 60 of the previous 185 days. The letter must also attest that the mariner has neither failed nor refused to participate in any required tests. The USCG National Maritime Center shall not require separate periodic drug or alcohol tests for CIVMARs seeking USCG mariner credential upgrades or renewals if this documentation is provided.

c. Drug and Alcohol Testing Reporting Requirements. Military Sealift Command shall report to the U.S. Coast Guard any Non-Negative drug or alcohol test results for any civilian mariners employed or offered employment by Military Sealift Command. Reporting of any Non-Negative drug or alcohol test results of civilian mariners by Military Sealift Command shall be made within two-weeks of the test completion. All reporting from Military Sealift Command to the U.S. Coast Guard required by this section shall be made by email to DAPI@uscg.mil.

XIV. Reimbursements. MSC will reimburse the USCG for the full-time equivalent (FTE) effort required to perform inspection and investigation activities on MSC vessels, and for other efforts as may be requested by MSC. Details on reimbursement are outlined in Annex IV of this MOA. Payment for civilian marine inspector overtime is not included in the basic FTE cost covered under this MOA and will be paid by MSC separately, as appropriate.

XV. Implementation. This MOA becomes effective upon signature by both parties. This MOA supersedes the previous USCG-MSC MOA signed on July 30, 2013. This MOA may be terminated within 180 days following the delivery of written notification of termination from either party. This MOA will be reviewed at



least every two years from the date of signing. Any corrections, comments and/or recommendations pertaining to this MOA should be submitted to the USCG/MSL Liaison Officer Ph: 202 685-5726; Program Manager & Director US Flag & Military Sealift Vessel Inspection Policy (E-Mail: john.j.hannon2@uscg.mil or cg-cvc-1@uscg.mil Ph: 202 372-1222) or Director, Engineering Policy Management and Regulatory Division (E-mail: Andrew.Busk@navy.mil Ph: 202 685-5727).

## ANNEX I

### Special Programs

1. Underwater Hull Survey in Lieu of Dry-docking (UWILD) Program. USCG certificated-vessels may participate in a program allowing underwater hull surveys to be employed in lieu of a USCG required dry-dock examination. To enroll a vessel in the UWILD program, MSC shall follow the procedures and application process outlined in USCG Navigation and Vessel Inspection Circular (NVIC) 1-89 and/or other procedures as may be required by the USCG. Additional in-water surveys of the hull may be required for examination of damage, or evaluation of condition for the granting of dry-dock examination extensions. For in-water surveys that are conducted in lieu of a dry-dock examination, water shall be of sufficient clarity so as to view the full height of the propeller and rudder in a single view. Once enrolled in the UWILD program, MSC must make a request to the USCG Headquarters Office of Commercial Vessel Compliance, Domestic Compliance Division, COMDT (CG-CVC-1), for continuation in the program for vessels that reach 15 years of age. The USCG will track participation in this program using the Marine Information for Safety and Law Enforcement (MISLE) System.
2. Expanded Dry-docking Intervals for Vessels in Reduced Operating Status (ROS). A five-year dry-docking interval is available for MSC certificated vessels in ROS. Participating vessels may not exceed three years' cumulative operating time within the five-year period. Once three years' cumulative operating time is reached, the vessel shall be immediately dry-docked for credit. To enroll a vessel in this program, MSC shall establish the operating time accumulated since the last credited dry-docking and notify the USCG so that the USCG may update the MISLE System to reflect the vessel's ROS and new dry-dock date. MSC is responsible for recording total operating time for each participating vessel and will notify the USCG when the three-year limit is reached. Any vessel subject to the Enhanced Survey Programme of Inspections During Surveys of Bulk-Carriers and Oil Tankers (ESP) is ineligible to participate in the Expanded Dry-

docking Intervals for Vessels in ROS program due to IMO Resolution A.744(18) as amended.

3. Military Sealift Command - Alternate Compliance Program (MSC-ACP). MSC vessels that are in full compliance with the requirements of applicable international conventions and agreements, a recognized classification society's class rules, and the U.S. Supplement prepared by the classification society and accepted by the USCG, may participate in MSC-ACP. Note that a MSC vessel's compliance with the International Ship and Port Facility (ISPS) Code is neither a prerequisite for enrollment into or required for continued participation in the MSC-ACP. Contract operators of MSC certificated vessels shall be responsible for obtaining and maintaining all Statements of Voluntary Compliance (SOVC) incidental to enrollment in the MSC-ACP (including the Safety Management Certificate, the Document of Compliance, and all other SOVC's for relevant international conventions). Under the MSC-ACP, the USCG will accept surveys performed by an authorized classification society, as equivalent to tests and examinations required for initial and in-service inspections for certification, periodic reexaminations, and dry-dock examinations. Under this program, the USCG will conduct oversight of the authorized classification society. To enroll an MSC vessel in ACP, MSC, or the contract operator listed in the associated vessel operating contract, will submit an Application for Inspection of U.S. Vessel (Form CG-3752) to the cognizant OCMI, per Title 46CFR § 8.440 and NVIC 2-95, The Alternate Compliance Program. The request Form CG-3752 shall indicate MSC's desire to have the vessel enrolled in the MSC-ACP. A supplemental procedure will be maintained by the American Bureau of Shipping and subject to review and approval by the USCG that defines procedures specific to MSC-ACP as a modification to commercial vessel ACP.

4. Streamlined Inspection Program (SIP). USCG certificated-vessels may participate in a program that allows onboard and shore side vessel operating personnel to conduct the majority of USCG required inspections. Under SIP, a USCG marine inspector will conduct periodic and follow-on inspections as necessary to ensure compliance with USCG administered regulations. The intent of this program is to develop, under USCG supervision, a plan by which the inspections of vessels are carried out by qualified ship personnel with approved test procedures. To apply for SIP enrollment, MSC shall submit an application, in writing, to the cognizant OCMI per Title 46, CFR, § 8.520.

## ANNEX II

### Modification of Standards for USCG Certificated MSC Vessels

1. Military Standards. The USCG may accept material and equipment that meets military or other federal specifications and standards on a case by case basis. In addition, the USCG may accept U.S. Navy, or MSC plans and instructions that meet military or other federal specifications and standards. MSC shall submit requests for acceptance of such plans, instructions, materials and/or equipment to the USCG Headquarters Office of Commercial Vessel Compliance, COMDT (CG-CVC). Once requests are reviewed and accepted, the USCG will provide MSC Headquarters with a letter acknowledging their acceptance. A copy of this letter should be maintained onboard each covered MSC vessel. The USCG shall update the MISLE System to reflect the USCG's acceptance of military or other specifications and standards. MSC vessels have Navy-approved vessel security plans. The USCG will not review vessel security plans for these vessels or otherwise require compliance with the Maritime Transportation Security Act (MTSA) or related USCG regulations as part of the COI process for these vessels.

2. Vessels of Special Design and Operations. The USCG may, on a case-by-case basis, permit variations of U.S. and international regulatory requirements for MSC vessels of special design or operations, provided that the vessel substantially complies with applicable regulations. MSC shall submit requests for consideration of such variations to the USCG Headquarters Office of Commercial Vessel Compliance, COMDT (CG-CVC). Requests should clearly describe the special design or operation features underlying the request, give good reason for a variation, and outline the particulars of the proposed variation. Once requests are reviewed at USCG Headquarters, the USCG will provide MSC Headquarters with a letter either acknowledging acceptance or denying the proposed variation. A copy of acceptance letters should be maintained on board each covered MSC vessel or as noted in this MOA. The USCG shall update the MISLE System to reflect any variances of regulatory requirements.

3. Pressure Testing of Cargo Pipe. Grade E oil cargo may be used as a test medium for the static liquid pressure tests of cargo pipelines on MSC oilers or other support vessels engaged in underway replenishment operations, provided the approved testing procedures are followed. Cargo pipeline testing intervals shall coincide with vessel dry-dock intervals. This means that cargo pipelines must undergo two static liquid

pressure tests within any five-year period, and that no more than three years may elapse between any two tests.

4. Lifesaving Equipment. The USCG may accept alternative lifesaving appliances or arrangements if MSC can demonstrate that such alternatives are as closely as possible equivalent to the level of safety that would be achieved with the appliances and arrangements required by applicable regulations. When any lifesaving appliance or arrangement on an MSC certificated vessel is replaced or the vessel undergoes repairs or alterations involving the replacement of, or any addition to, existing lifesaving appliances or arrangements, each new lifesaving appliance or arrangement must meet current regulations. MSC requests for USCG consideration of lifesaving alternatives shall follow the application procedures outlined in paragraph 2 of this annex. A copy of acceptance letters should be maintained on board each MSC certificated vessel with equivalent equipment. The USCG shall update the MISLE System to reflect any USCG-accepted alternative lifesaving appliances or arrangements.

5. Damage Control/Firefighting Equivalency. The USCG may accept alternative damage control or firefighting appliance arrangements or procedures if MSC can demonstrate that such alternatives are as closely as possible equivalent to the level of safety that would be achieved as required by applicable regulations. Requests for USCG consideration of damage control or firefighting alternatives shall follow the procedures outlined in paragraph 2 of this annex. A copy of acceptance letters should be maintained on board each affected MSC certificated vessel. The USCG shall update the MISLE System to reflect any USCG accepted alternative damage control or firefighting appliances or arrangements.

6. Pyrotechnics. MILSPEC pyrotechnics shall be accepted in lieu of USCG approved pyrotechnics.

7. Hospital Vessels. MSC's T-AH class hospital vessels shall be certificated in accordance with applicable sections of Title 46, Code of Federal Regulations Subchapters (I) and (H), and the military patients treated aboard these vessels shall be considered military personnel rather than passengers. The period of validity for the COI shall be five years IAW Title 46, CFR, Part 91.01, instead of a one-year period for passenger vessels. However, the manning, equipment and operational requirements for these vessels shall comply with the passenger vessel regulations contained in Title 46, CFR, Subchapter H.



The number of lifeboat seats required by 46 CFR 199.201 (b)(1)(i) will not include the number of patients allowed on board by the COI. If these vessels are used in a mission to carry non-military personnel, the responsible USCG OCMI may require additional safety measures.

8. Towing Vessels. MSC operates vessels that engage in towing operations, specifically the T-ATF Fleet Ocean Tugs and the T-ARS Rescue Salvage Tugs. These vessels are regularly employed in operations unrelated to towing. For consistency, T-ATF design vessels shall be noted as Public Vessels, Unclassified. The Master and officer in Charge of Navigation Watches will be certified in accordance with 46 CFR Part 15 with respect to having the appropriate Towing Endorsement on their respective mariner credentials. MSC CIVMARS involved in Towing Operations on these vessels shall receive credit for maintaining or obtaining a towing endorsement on the USCG credentials.

9. Persons in Addition to Crew. USCG certificated MSC owned or operated vessels may carry civilian or military personnel, such as ship repair teams, inspection teams, dive teams, and force protection teams for the express purpose of carrying out the business of the vessel and who perform work of a specialized nature not normally considered to be within the normal skills or capability of the crew (routine maintenance such as cleaning and painting are not considered to be a special skill). Such personnel shall not be directly involved in the operation or navigation of the vessel. Tactical maneuvering in large Navy ship formations, that may involve military personnel giving recommendations to the merchant marine watch officer concerning course and maneuvering speed to a new station in the formation, is not considered operation or navigation for the purpose of this MOA. These civilian or military personnel will not be considered members of the crew, nor will they be considered passengers. Such personnel are not subject to the mariner credential, manning, and working hour requirements contained in Title 46, CFR, Parts 10-15, but should be reflected in the total number of persons allowed aboard the vessel (subject to the provisions of paragraph 18 of Annex II of this MOA, which states that, "All vessels owned, operated, chartered or engaged in carrying cargo by MSC are allowed to embark additional security personnel [military or contractor] over and above that which is allowed by each vessel's respective Certificate of Inspection). These personnel will be provided with lifesaving appliances, accommodations, healthcare and nutrition equivalent to a regular crewmember while employed onboard. The requirements of 46 CFR

190.20-20, sleeping accommodations, shall not be applicable to temporarily embarked military security teams.

10. International Conventions.

- a. MSC vessels are not subject to the provisions of the International Maritime Organization (IMO) and International Labour Organization (ILO) conventions, and accordingly, will not be issued mandatory IMO and ILO convention certificates. However, each MSC vessel that voluntarily complies with these international standards may be issued a Statement of Voluntary Compliance (SOVC) as documentary evidence of substantial compliance. A recognized class society may issue a SOVC only to MSC vessels that are included in the MSC Safety Management System which complies with the International Safety Management Code. The USCG will issue SOVCs in lieu of certificates for which class societies are not authorized. The SOLAS SOVCs and the MARPOL SOVC may be issued by a recognized classification society.
- b. The USCG may authorize a classification society to issue a SOVC on vessels without a Certificate of Inspection, provided 1) the society has completed an Initial Survey, 2) the vessel fully complies with all regulations and 3) the USCG has completed a desk audit or other oversight of the classification society's survey to the satisfaction of the USCG. Otherwise, the classification society is restricted to issuance of a Statement of Fact.
- c. If there are any deficiencies identified during subsequent periodical surveys (e.g. Annual, Intermediate, or Renewal) and the vessel Owner/Manager does not correct them to full compliance with the regulations, 1) the society may not report the survey as complete, 2) the society may not endorse the SOVC for completion, 3) the society may not issue short-term SOVC conditional upon correction of deficiencies. The society shall indicate in its records that the survey was commenced and shall enter in the vessels record a description of the deficiencies found. The vessel Owner/Manager is responsible for correction of the deficiency of proposal of any alternatives to the USCG for a determination of equivalency with the regulations.

11. Vessel Security. MSC vessels comply with stringent U.S. Navy standards for vessel security rather than the International

Ship & Port Facility Security (ISPS) Code. The USCG will not monitor these vessels for compliance with the ISPS Code or issue ISSC SOVCs for these vessels. In accordance with Title 33, CFR § 104.110(a), MSC vessels are not subject to the USCG maritime vessel security regulations contained in 33 CFR Part 104.

12. Automated Ship Position Reporting. In accordance with 46 USC § 501, the Coast Guard has granted a waiver of the domestic and international transmission requirements for MSC's government-owned (this includes demise chartered vessels) and time chartered vessels with systems capable of automatically and non-securely transmitting ship's position information: Automated Identification System (AIS), Long Range Identification and Tracking (LRIT), Ship Security Alert System (SSAS); and the polling feature on the Global Maritime Distress and Safety System (GMDSS). This waiver is valid for as long as the ships are exclusively engaged in non-commercial service under the operational control of MSC and within an area of operation deemed by the Department of Defense to necessitate increased Operational Security. The USCG requests that MSC provide notice of the ships to which this waiver applies and that a copy of the waiver letter be maintained onboard each of those ships to which the waiver applies. Further, the USCG requests that whenever a ship is no longer entitled to the waiver, that the Coast Guard receives notification via the USCG Liaison Officer of the change in status. MSC will issue and periodically update guidance to its fleet for use of these systems.

13. Electronic Charting. Use of electronic data to navigate MSC government owned vessels and MSC demise chartered vessels engaged in non-commercial service shall comply with USCG (CG-3PCV-1) letter serial 16711 dated 3 May 2007.

14. Operation of single skin tankers and vessels carrying bulk liquid cargo beyond MARPOL Annex I & the OPA 90 Phase out dates. MSC's T-AO Class single-hull oilers and T-AK, T-AKE and T-AOE Class surge sealift vessels, comply in all other respects with MARPOL, Annex I and are exempt from the double hull requirements under Article 3, paragraph 3, of MARPOL 73 as amended. Additionally, they are exempt from the double hull requirements of both US law and regulation. However, they are not eligible to receive a Statement of Voluntary Compliance for Oil Pollution Prevention after their MARPOL, Annex I, Regulation 20.7 phase-out date if no double hull is installed. Notwithstanding this lack of a MARPOL Annex I SOVC they may continue to be certificated by the USCG using the procedures described in this agreement for an Alternate Compliance Program specific to MSC.

As noted in MARPOL, Annex I, paragraph 3, this program provides a supplemental procedure to be maintained by the American Bureau of Shipping and subject to review and approval by the USCG. Additionally, single hull oilers that were voluntarily enrolled in the International Maritime Organization (IMO) Condition Assessment Scheme (CAS) by MSC will continue in that program indefinitely until/unless a double hull is installed. For MSC vessels enrolled in ACP, the ABS will maintain a process instruction detailing the circumstances under which these vessels will be certified including CAS.

15. T-AKE Class vessels.

- a. The vessel fuel system and cargo systems (both F76 and JP5) can be cross-connected by removable spool pieces and locked, closed valves. When operationally necessary to meet military requirements, the T-AKEs may install the spool piece and transfer oil from the ship's fuel system to the cargo system. This operation is acceptable, considering the transfer will take place at sea, where the risks of collision, grounding or fuel oil spills are minimized. Changes to US and International pollution prevention regulations require the final four vessels of the T-AKE class, delivered after 1 Aug 2010, to meet oil fuel protection regulations (regulation 12A of MARPOL Annex I). The first ten vessels of the T-AKE class, delivered prior to that date, are not required to meet those regulations. Vessels that were delivered after 1 August 2010 are not compliant with 12A, however the American Bureau of Shipping may conduct periodic inspections and issue a Statement of Voluntary Compliance for under MARPOL Annex I notwithstanding the lack of compliance with regulation 12A. Further, as with the T-AO vessels, the T-AKE class vessels may be enrolled in ACP.
- b. Because the T-AKE have such large cargo oil & fuel capacities, persons supervising oil transfers conducted on-board these vessels will be given service credit as a person in charge (PIC) for tank vessels by the USCG National Maritime Center.
- c. The installation of the non-SOLAS approved Sperry Mk 27F, Fiber Optic Gyro Compass (FOGs) on T-AKE hulls 9-14 is permitted under the terms of this MOA as it meets military specifications. Further, this installation will be accepted for the purpose of these vessels



demonstrating substantial compliance with the requirements of SOLAS. Therefore, notwithstanding this use of a MILSPEC component the vessels are eligible for issuance of Statements of Voluntary Compliance for SOLAS.

16. Transportation Worker Identification Credentials (TWIC). Credentialed mariners that serve aboard MSC vessels are reminded they need to comply with the TWIC requirements as per 46 CFR § 15.401 in order to renew their merchant mariner credential, or to serve aboard non-MSC vessels. Failure to obtain or hold a valid TWIC serves as the basis for the denial of an application for an original, renewal, new endorsement, duplicate, or raise in grade of a mariner's credential and may serve as the basis for suspension and revocation under 46 U.S.C. §§ 7702 and 7703.

17. Bridge Navigation Watch Alarm System (BNWAS). In accordance with Chapter I, Regulation 3(i) of SOLAS, MSC vessels are exempt from the requirements of the convention as Ships of War. MSC vessels will not be required to fit BNWAS in accordance with IMO Resolution MSC 282(86). MSC vessel will maintain at a minimum a two person navigational watch. Notwithstanding this exemption the vessels subject to this exemption will be allowed to maintain their Statements of Voluntary Compliance for SOLAS and remain enrolled in the Coast Guard's Alternate Compliance Program.

18. Security Team Embarkation. All vessels owned, operated, chartered or engaged in carrying cargo by MSC are allowed to embark additional security personnel over and above that which is allowed by each vessel's respective Certificate of Inspection. This will only be used to embark Security Teams (military or contractor) on MSC vessels when such measures are deemed necessary by COMSC or other cognizant military Commander to protect against pirate or terrorist attack. Specifically, this waives 46 CFR § 2.01-40. Before any additional personnel are embarked where the COI manning level would be exceeded, the Master shall ensure that sufficient life jackets and rafts meeting SOLAS requirements will be placed onboard to support all embarked on the vessel. The addition of these security teams will enhance the overall ships' safety in potentially high threat areas and high risk waters. MSC vessels may also operate with partner nations requiring the embarkation of personnel for training and operations and must have the ability to accommodate additional personnel according to the objectives directed by the tactical commander in support of National Defense.

19. Transfer of oil cargo between oil tankers at sea. The regulations contained in Chapter 8 to MARPOL Annex I regarding the transfer of oil cargo between oil tankers at sea (STS, or 'Ship to Ship' operations) are not applicable to USNS ships based on the following.

a. Underway Replenishment (UNREP), one of the ships involved is going to be a warship, naval auxiliary or other ship owned or operated by the government and used, for the time being, only on government non-commercial service. MARPOL Annex I Chapter 8, Regulation 40 (5) provides: "The regulations contained in this chapter shall not apply to STS operations where either of the ships involved in a warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships that the STS operations are conducted in a manner consistent, so far as is reasonable and practicable, with this chapter.

b. The oil transferred is fuel used to directly replenish the ship or task group, and is burned directly in the engines of the ships and aircraft in the fleet.

c. MSC uses Navy publication NTTP 4-01.4 (Underway Replenishment) for controlling Ship-to-Ship transfer. This is not a procedure reviewed by the Coast Guard.

20. Mobile Landing Platform (MLP) Afloat Forward Staging Base (AFSB.) MLP AFSB is capable of carrying up to 250 military personnel to support the ship's mission. Accommodations for military support personnel are provided in a dedicated forward deckhouse and of a USN ship design in accordance with a MLP AFSB Habitability Criteria Manual approved by Naval Sea Systems Command.

21. USNS ZEUS (T-ARC 7) Cable Laying/Repair Ship: Cable Laying/Repair Ship: This vessel is employed by various Department of Defense agencies and commands engaged in classified operations pertaining to military assets on the sea floor. The Naval Sea Systems Command (NAVSEA) sponsor requires elevated maintenance of security for these missions and will not allow the recorded tracking of ship's movements. The USCG has granted a permanent waiver to eliminate the requirement for the vessel to be provided with a Voyage Data Recorder. This waiver is valid for as long as the ship is exclusively engaged in non-

commercial service under the operational control of MSC in support of DOD enhanced OPSEC. This waiver shall not hinder MSC efforts to voluntarily comply and obtain USCG and ABS certifications and documents for the USNS ZEUS.

22. Mandatory Rest Periods for Watch-Keeping Personnel. Coast Guard regulations (46 CFR 15.1101 and 46 CFR 15.1111) prescribe maximum hours of work and mandatory rest periods for watch-keeping personnel. Shipboard emergencies, drills, and "other overriding operational conditions" are exempt from the requirements of these regulations and laws; however, the regulations do not exempt operations reasonably expected, such as arrival, departure, cargo operations, and underway & vertical replenishments. Although CG-CVC 12-05 expanded documenting work rest to other crewmembers with designated safety, prevention of pollution, and security duties onboard a vessel, MSC only complies with 46 CFR requirements for engine room and bridge watches.

23. USCG Medical Certificates. Mariners who serve aboard MSC vessels will need to comply with the Medical Certificate requirements of 46 CFR § 15.401(d) when required to sign Articles of Agreement, and in order to renew their credential or upgrade. Failure to obtain or possess a valid Medical Certificate may serve as the basis for the denial of an application for an original, renewal, new endorsement, duplicate, or raise in grade of a mariner's credential and may serve as the basis for suspension and revocation under 46 U.S.C. § 7702 and § 7703. Additionally, Civil Service Mariners must also be Fit For Duty, as determined by the MSC Force Medical Officer.

24. Ballast Water. MSC vessels voluntarily comply with either 33 CFR 151.2025 or OPNAV M-5090.1 for ballast water management. For operational security reasons, MSC ships are not required to file reports with the National Ballast Information Clearinghouse (NBIC), but will maintain a properly completed Ballast Water Reporting Form on board for review by the U.S. Coast Guard.

25. Wye-Gate Valves with Non-Metallic Components. On MSC GOGO vessels, the use of wye-gate valves with 2½" inlet and two 1½" outlets for fire hose connections in which the closure is composed of resilient nonmetallic material is permissible provided the fire station can be isolated from the fire main by a Cut-Out Valve (COV) with metal to metal seats. Refer to CVC-1 letter 16711-1253 of November 18, 2015.

### ANNEX III

#### Expeditionary Fast Transport (EPF) and High Speed Transit (HST) Type Rating Certificates (TRC) and Route Manuals

1. General Provisions. EPF and HST crews will be qualified to serve on high speed craft in accordance with United States Coast Guard policy guidance. The following points clarify the qualification and credentialing process.

a. High speed craft training programs will be USCG approved. These vessels will be deployed outside of US territorial waters, approved courses to include original Type Rating Endorsement, Revalidation of Type Rating Endorsement and High Speed Craft Safety for unlicensed personnel may be conducted worldwide aboard vessels that are Site Approved for that course, so long as the respective OCMI is informed of the event beforehand and is permitted to audit the course if so desired as outlined in paragraph IX.f. of the MOA.

b. After construction, EPFs may deliver with non-type rated crew members. Likewise, as newly converted ships, HSTs may deliver from their conversion availabilities with non-type rated crew members. A Qualified Instructor (QI) will be embarked until the EPF and HST crew have met the requirements of a TRC in accordance with 46 CFR § 11.821 and NVIC 20-14.

c. Since EPF operating routes cannot be reliably projected, MSC will assign routes for training. The numbers of required round trips will comply with Coast Guard regulations and policy. The TRC on the mariner's MMC will annotate vessel "route" as "open waters" restricted to the vessel or class of vessels. Once the initial crew has received its TRCs, subsequent crews may be qualified or revalidated in accordance with an approved training or revalidation program under the authority of a QI. Likewise, SOLAS Route Manuals will provide parameters for risk mitigation plans that will accompany the voyage plan to ensure the ship is capable of completing the voyage.

d. Ship's officers who possess USCG Regional Examination Center (REC) receipts for submittals documenting the completion of an Original Type Rating Endorsement or a Revalidation of a Type Rating Endorsement for High Speed Craft Type Rating shall be deemed as qualified to operate High Speed Craft without a



Qualified Instructor embarked until such time as the official endorsement is administratively processed by the REC.

e. Sailing Short. 46 CFR § 15.725 permits sailing short when the master is unable to find appropriate personal to man the vessel. Recognizing that these vessels are minimally manned and may operate in remote overseas locations where crew changes are inadvisable due to local security and safety concerns, the master may allow a crew member whose HSC endorsement has lapsed to continue to serve in that capacity, so long as the crew member is otherwise fit to continue service and that person also holds a MMC that is otherwise valid. The master must notify the OCMI within whose jurisdiction the vessel is operating in this circumstance. The crew member with the lapsed-HSC endorsement should be re-qualified or replaced by a certificated person as soon as it is practicable.

f. NVIC 04-08, Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials, is the minimum standard for the medical and physical exams required for a TRC.

## ANNEX IV

### USCG/MSC Liaison Duties and Reimbursement for USCG Support Activities

1. General Provisions. This annex establishes general guidance regarding the roles and responsibilities of the USCG/MSC Liaison Officer and describes the basis for reimbursement by MSC to the USCG for support efforts provided to MSC and associated costs incurred by the USCG. Additionally, this agreement sets forth the circumstances under which such costs will be incurred and the procedures for coordination of payment.

#### 2. USCG Support Requirements

a. The USCG is authorized to administer laws and promulgate and enforce regulations in order to promote the safety of life and the protection of property at sea, as well as protect the marine environment. Full-time support of MSC by USCG personnel is essential due to the USCG's law enforcement, homeland security, and vessel inspection and certification roles, and the number of MSC certificated vessels. For financial and program planning purposes, ten USCG full-time equivalent (FTE) persons per year shall be considered necessary to support this MOA as further detailed in paragraph 3 of this annex. The primary roles of these individuals are to conduct safety inspections of MSC vessels and provide advice to MSC on marine safety and security issues.

b. The USCG/MSC Liaison Officer will serve as an advisor to Commander, MSC and provide guidance to MSC staff pertaining to MSC fleet inspection and certification process, investigation of marine casualties, and matters related to licensing and certification of CIVMARs employed by MSC. The USCG/MSC Liaison Officer will also support MSC in areas of port, harbor and coastal ship security, combating terrorism, and marine environmental protection. This support will be either direct or by identifying the appropriate USCG resources.

#### 3. Funding/Billing

a. MSC is not subject to vessel inspection user fees but instead will provide reimbursement to the Coast Guard directly for personnel resource expenditures associated with certification of MSC vessels. Not later than 1 October of each year, MSC will submit to the USCG/MSC Liaison Officer a list of

MSC vessels that is annotated to indicate those vessels that are either subject to USCG inspection, participating in special programs, or likely to require inspections during the upcoming fiscal year. The USCG will use this information to determine whether or not an adjustment is needed to the annual cost estimate or the number of marine inspectors and/or other USCG personnel required to support MSC.

b. Personnel support costs will be billed to MSC on the basis of USCG annual standard personnel costs, adjusted annually. Although subject to change, the following USCG personnel are required to support MSC vessel inspections and related marine safety, security, and environmental protection programs:

(1) One designated USCG/MSC Liaison Officer (military O-5), assigned to the Engineering Directorate at MSC Headquarters;

(2) One designated USCG Director, MSC Policy and Inspection Program (civilian GS 14/15), assigned to USCG Headquarters Office of Commercial Vessel Compliance, Domestic Compliance Division, COMDT (CG-CVC-1);

(3) One designated resource manager, civilian (GS 9/11) assigned DCO (CG-DCO-832);

(4) Seven USCG Marine Inspectors FTE (military CWO to O-3 or civilian GS 12/13), for the purpose of conducting field activities including plan review, investigations, and inspections of MSC vessels. These FTE's represent the aggregate of MSC's inspection and certification work distributed across the entire Coast Guard organization. They are not specific individuals dedicated to MSC inspection activity. Each Coast Guard field activity will provide inspection services as requested by MSC in the same manner as if requested by a commercial vessel operator whose vessel is subject to inspection.

c. Not later than 15 March of each year, the USCG will submit a cost estimate to MSC for budgetary purposes. The cost estimate will cover the current year (CY), upcoming fiscal year (FY) and the budget year plus 1 (BY +1)

d. The number and type of USCG inspections and examinations conducted on MSC certificated vessels each year shall be per the laws and regulations applicable to commercial vessels operating on similar routes and in similar service, except as amended pursuant to Annex I and/or Annex II of this MOA.

e. Unless this agreement is canceled, the person serving in the USCG/MSC Liaison Officer position will be expected to complete a two-year assignment at MSC Headquarters, subject to the needs of the service.

f. Foreign travel costs by USCG personnel to conduct inspections or investigations of MSC vessels outside of the United States are included under this MOA. These costs shall be reimbursed under a standard reimbursement billing process. Invoices will be initiated by the USCG FINANCE CENTER. All coordination and program management of this process is maintained by USCG Headquarters, Deputy Commandant for Operations, Reimbursements & Special Appropriations Division (CG-DCO-832).

g. Civilian Marine Inspector Overtime expenses are not included in the FTE costs associated with this MOA. These costs shall be reimbursed under a separate standard billing process initiated by the USCG Office conducting the inspection.

4. Funding/Billing Procedures. Current year funding will be passed to the USCG from MSC via a Military Interdepartmental Purchase Request (MIPR) upon agreement to this MOA, for the current year requirements and at the beginning of each subsequent fiscal year, citing appropriate Lines of Accounting (LOAs) to be charged. USCG Headquarters Office of Budget Execution (CG-DCO-832), Mr. Andrew Jepson (202) 372-1323 andrew.m.jepson@uscg.mil, will process billings for services after the services have been provided to MSC, utilizing the Defense Finance and Accounting Service's (DFAS) standard Intergovernmental Payment and Collection (IPAC) process, thus charging MSC's LOAs cited on the annual MIPRs. This process should be coordinated with MSC's DFAS support office.

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